

PLANNING AND ZONING
October 15, 2008

A meeting of the Planning and Zoning Commission of the Town of Trumbull was held in the Trumbull Town Hall on Wednesday, October 15, 2008.

Attendance: Timothy M. Herbst, Chairman
Gary Bean; Anthony Chory; Arlyne Fox and alternates Don Scinto and Tony Silber.

Staff Present: James Cordone, Town Attorney (arriving at 8:00 p.m.); Steve Savarese, Town Engineer and Richard S. Eigen, Acting Planning and Zoning Administrator

The following is a brief summary of the meeting. The complete record is on tape, on file in the office of the Planning and Zoning Commission.

A quorum being present the Chairman called the meeting to order at 7:35 p.m.

PUBLIC HEARING

Requests for extensions to the November 19, 2008 regular meeting were heard.

Application #08-34 – Michael Properties, LLC, c/o Jay Gottlieb. Waiver of Chap. V, Sec. 4 of the subdivision regulations to reduce the turn-a-round from 50' radius to 30' radius on Easement Map depicting turn-a-round easement of property located at terminus of Cal Drive. Prepared for Michael Properties, LLC, 45 Cal Drive (Lot 1).

Attorney Raymond Rizio appeared and requested a continuance until the next regularly scheduled meeting.

MOTION MADE (Fox) seconded (Scinto) and unanimously carried (Herbst, Bean, Chory, Fox, Scinto) to continue Application #08-34 until the November 19, 2008 regular meeting.

Application #08-22 – Raymond J. Egan c/o Bridget Kahn, Executrix. Re-subdivision Map Prepared for Bridget Kahn, 151 Hurd Rd., Trumbull, CT. 4 lots at corner of Classic Dr. and Hurd Rd.

The applicant's representative, Attorney Raymond Rizio, addressed the Commission requesting the applicant be granted an extension until next month's meeting.

MOTION MADE (Fox), seconded (Chory) and unanimously carried (Herbst, Bean, Chory, Fox, Scinto) to continue Application #08-22 until the November 19, 2008 regular meeting.

Attorney Raymond Rizio appeared and requested that the following two applications be continued to next month's meeting as they are awaiting a decision by IWWC.

Application #08-23 – Hidden Pond Development, LLC c/o David Wolkoff. Re-subdivision Map, Lot 1, Prepared for Hidden Pond Development, LLC, Booth Hill Rd. & Hidden Pond Lane, Trumbull, CT. 8 lots Booth Hill Rd. and ext. of Hidden Pond Lane.

Application #08-29 – Amending the zoning map and zone boundaries of the Town of Trumbull so as to change from Residence Zone AA to Planned Residential Conservation Zone (PRCZ), a parcel of land located at Lot 1 Booth Hill Road and Hidden Pond Lane, containing 12.004 acres, more or less (Petitioner – Hidden Pond Development, LLC).

MOTION MADE (Fox) seconded (Bean) and unanimously carried (Herbst, Bean, Chory, Fox, Scinto) to continue Application #08-23 until the November 19, 2008 regular meeting.

MOTION MADE (Fox) seconded (Scinto) and unanimously carried (Herbst, Chory, Fox, Scinto, Silber) to continue Application #08-29 until the November 19, 2008 regular meeting

The P&Z Administrator relayed that he, along with the Town Engineer, would like to recommend to future applicants that they not submit to P&Z until they have received wetlands approval. Richard Eigen suggested further that applications submitted without IWWC approval be denied without prejudice. There was a unanimous consensus of agreement from the Commission that this policy be implemented.

Application #08-33 – James Fracker Construction, LLC. Nichols Woods Re-subdivision of Lot 5, Beaver Brook Estates, Booth Hill Road, Trumbull, CT. Prepared for James Fracker Construction, LLC

Hearing for this application was not opened, as the applicant was not present. Richard Eigen informed that the applicant indicated to him that he was not prepared to be heard at this time.

Application #08-19 – St. John the Baptist Greek Rite Catholic Church, Atty. Vincent M. Simko, Sr. (Agent)/Daniel D. Skuret. Subdivision Map, The Village at Nichols, of Property Located on St. John's Drive, Longview Rd., and Cemetery Drive, Trumbull CT, Prepared for St. John's Woods, LLC. 19 Lots, at 100 St. John's Dr., Longview Rd. and Cemetery Dr.

Commissioner Bean recused himself as he had a part of an activity against a prior application for the development of this property.

A letter from the applicant's representative, Attorney Kevin Gumpfer requesting a continuation until the next scheduled meeting was read for the record.

MOTION MADE (Fox) seconded (Scinto) and unanimously carried (Herbst, Bean, Chory, Fox, Scinto) to continue Application #08-19 until the November 19, 2008 regular meeting.

Commissioner Bean returned to the meeting.

SPECIAL PERMITS:

Application #08-35 – James Haydu, III. 23 Alden Avenue. Pursuant to Art. II, Sec. 1.3.6, Special Permit to construct an In-Law/Accessory Apartment within existing footprint.

James Haydu and his contractor Mike Henrick presented the application. The proposed apartment would be located in the newly constructed addition. Two pictures of the subject dwelling were submitted.

Application #08-36 – Town of Trumbull. Merritt Boulevard at Trumbull Corporate Park. Pursuant to Art. II, Sec. 4.3.7; Art. IV, Sec. 4.2 and Art. XV. Special Permit modification to replace existing sign.

Application #08-37 – The Briad Group, c/o John Fallon, Esq. 25 & 45 Commerce Drive. Pursuant to Art. II, Sec. 4.3.7; Art. IV, Sec. 4.2 and Art. XV, Special Permit modification to construct signage and outdoor lighting for proposed extended stay hotel.

Attorney John Fallon presented these companion applications for signage and lighting.

Application #08-36, submitted by the Town of Trumbull, indicated replacement of the existing sign to enhance the entrance to Corporate Park. The Briad Group to be responsible for the maintenance of this signage, which is located on Town property.

Kevin Solli of E Langen Engineering detailed the signage and lighting plans for the proposed extended stay hotel.

Three ground signs were proposed. They would be located at the entrance to the hotel, at the entrance on Commerce Dr. and at the entrance to Corporate Park. The building signs would be placed on two facades of the proposed hotel facing Commerce Drive and Merritt Blvd.

The signage would be internally illuminated and were described as being consistent with what is being displayed by the Marriott Hotel at Hawley Lane.

A landscaping plan, which has been reviewed by the Town Tree Warden, was detailed and submitted for the record.

Upon inquiry, Deborah Cox, Director of Economic Development, indicated that the signage at the entrance to Corporate Park would include the name of the Hyatt Hotel. She

noted that the Hyatt Hotel is the sponsor of this sign. Ms. Cox informed that the other tenants have indicated to her that they had no issue with this.

In an effort to address the Commission's concerns the lighting pole height has been lowered to 27'. There would be no light spill over or glare towards any residential properties. Upon inquiry, Attorney Fallon indicated that the hotel signage would not be visible from the Merritt Parkway.

Application #08-38 – Amending Art. 1, Sec. 5.2.3, Art. II, Sec. 7.2.6(5) and Art. III Table entitled “Minimum Lot and House Sizes, Building Lines and Limits on Height and Bulk of Buildings” to correct typographical errors.

Richard Eigen, Planning and Zoning Administrator presented the proposed amendments, which were described as minor.

The meeting recessed at 8:25 p.m. and reconvened at 8:34 p.m.

REGULAR MEETING

The following applications were addressed and action was taken as follows:

Application #08-20 – Karen and Joseph Cullina. Re-subdivision of 70 Old Dike Road and Lot #7 Pinewood Lake, Plan 5, Trumbull, CT. 3 lots, E/S Old Dike Rd., with street address of 70 Old Dike Rd. (must act by 10/17/08).

The Town Engineer relayed that the majority of the information he requested has been submitted.

MOTION MADE (Bean) and seconded (Scinto) to approve Application #08-20.

MOTION MADE (Bean) and seconded (Scinto) to amend the previous motion to include the following conditions.

1. Approval is subject to the Engineering Report dated August 19, 2008.
2. Town Engineer is authorized to monitor lot development on an on-going basis.

Vote: In Favor: (3) Herbst, Bean, Scinto – Opposed: (2) Fox, Chory
MOTION CARRIED

Vote - Original Motion as Amended: In Favor: (3) Herbst, Bean, Scinto – Opposed (2): Fox, Chory. MOTION CARRIED

Application #08-31 – Plum Builders/Jim Taylor, 9 MacArthur Road. Pursuant to Art. II, Sec. 1.2.2.(6). Special Permit to construct addition for use as an accessory apartment.

The Administrator relayed that no commercial activity has been observed.

MOTION MADE (Fox), seconded (Bean) to approve Application #08-31 as submitted subject to the following conditions.

1. This approval is granted for a five-year period only and cannot be extended without Planning and Zoning approval.
2. Separate utilities for the apartment cannot be established.
3. The apartment shall be deemed an “affordable” housing unit, and shall be subject to the requirements of Section 8-30g (k) of the CT General Statutes.
4. A binding deed restriction to show conformance with CGS-8-30g shall be recorded in the Trumbull Land Records; said restrictions shall be for a minimum period of ten (10) years from the date of original occupancy of the apartment.
5. A certified notice of Special Permit shall be recorded in the Land Records in the name of the record owner. A recording fee, in the amount of \$20.00, shall be remitted to the Planning and Zoning office for this purpose.

Vote: In Favor: (4) Herbst, Bean, Fox, Scinto – Abstention: (1) Chory
MOTION CARRIED

Application #08-25 – Woodland Group, LLC, 19 Trefoil Drive/Monroe Turnpike (Rte. 111). Pursuant to Art. IX, Special Permit to modify landscaping plan and sidewalk layout.

Chairman Herbst recused himself as a potential buyer of one of the condominium units is a client of his law firm. Commissioner Fox chaired for the discussion on this application.

MOTION MADE (Bean) and seconded (Chory) to approve Application #08-25.
MOTION WITHDRAWN

Application tabled pending further instructions from the State Traffic Commission.

Chairman Herbst returned to the meeting.

Minor Deviation of Art. V, Sec. 6.3

The Planning and Zoning Administrator presented a letter of request from Verizon Wireless to approve the installation of two antennas on the roof of a building located at Westfield Shopping Park. Verizon Wireless indicated the antennas are needed to accommodate an In-Building Telecommunications System.

MOTION MADE (Fox), seconded (Chory) and unanimously carried (Herbst, Bean, Chory, Fox, Scinto), to approve the installation of two roof antennas at Westfield Shopping Park as a Minor Deviation under Art. V, Sec. 6.3 of the Planning and Zoning Regulations.

The Commission then took action on the following bonds as per the recommendations of the Town Tree Warden and the Town Engineer.

MOTION MADE (Fox), seconded (Bean) and unanimously carried (Herbst, Bean, Chory, Fox, Scinto) to reduce the landscape bond to \$35,000 and release the site bond for Application #07-29 – Colonial Village Phase II, 6762 & 6766 Main Street.

MOTION MADE (Fox), seconded (Scinto) and unanimously carried (Herbst, Bean, Chory, Fox, Scinto) to release the landscape bond for Application #04-02 – McDonald's, 60 Hawley Lane.

MOTION MADE (Chory), seconded (Fox) and unanimously carried (Herbst, Bean, Chory, Fox, Scinto) to release the landscape bond for Application #98-64 – Mutual Housing of S.W. CT, 88 White Plains Road.

MOTION MADE (Chory), seconded (Fox) and unanimously carried (Herbst, Bean, Chory, Fox, Scinto) to release the landscape bond for Application #03-06 – AJJ Enterprises, LLP, Lot 7 Corporate Drive.

MOTION MADE (Fox) and seconded (Scinto) to reduce the site bond to \$5,765 for Application #07-13 – James Fracker Construction, Booth Hill Road Subdivision.

The Town Engineer asked that the bond be reduced to \$6,000.

MOTION MADE (Fox), seconded (Bean) and unanimously carried (Herbst, Bean, Chory, Fox, Scinto) to amend the previous motion to reduce the site bond to \$6,000. Vote Original Motion as Amended: - Unanimous (Herbst, Bean, Chory, Fox, Scinto). MOTION CARRIED

MOTION MADE (Fox), seconded (Bean) and unanimously carried (Herbst, Bean, Chory, Fox, Scinto) to call the landscape bond in the amount of \$11,000 plus interest on Application #98-100 – Porters Hill Development, LLC, Aspen Lane and Audubon Lane.

MOTION MADE (Fox), seconded (Chory) and unanimously carried (Herbst, Bean, Chory, Fox, Scinto) to call the landscape bond in the amount of \$5,000 plus interest for Application #99-16 – Arganese Properties, LLC, 304 Park Lane and W/S Johnson Street.

The Planning and Zoning Administrator to notify both applicants of the proposed bond recall.

Request for Extension of Time to File Mylar Map

Application #08-7 – Estate of F. Francis D’Addario. Lot Line Revision between Lot 2 and B, Williams Road adjacent to 6 Deerfield Drive.

MOTION MADE (Fox), seconded (Bean) and unanimously carried (Herbst, Bean, Chory, Fox, Scinto) to grant an extension of time to file the mylar map for Application #08-7.

Application #08-14 – Mary Grace Mandanici/John Mandanici. Subdivision Plan Prepared for McGrath Meadows, 254 Shelton Rd., Trumbull, CT. 4 lots between Woodcrest Ave. and 254 Shelton Rd.

MOTION MADE (Fox), seconded (Scinto) and unanimously carried (Herbst, Bean, Chory, Fox, Scinto), to grant an extension of time to file the mylar map for Application #08-14.

Request for Pre-Application Meeting

A letter of request from Attorney Raymond Rizio for a pre-application meeting in connection with the development of Colonial Village was considered. There was a consensus of agreement to permit a presentation by Attorney Rizio. A half hour hearing to be held prior to the regular meeting on November 19th at 7:00 p.m.

Approval of Minutes

MOTION MADE (Fox), seconded (Bean) and unanimously carried (Herbst, Bean, Chory, Fox, Scinto) to accept the minutes of the September 17, 2008 meeting as submitted.

The Commission then took action as follows on the applications heard at tonight’s Public Hearing.

Application #08-35 – James Haydu, III, 23 Alden Avenue.

MOTION MADE (Fox), seconded (Scinto) and unanimously carried (Herbst, Bean, Chory, Fox, Scinto), to approve Application #08-35 as submitted, subject to the following conditions.

1. This approval is granted for a five-year period only and cannot be extended without Planning and Zoning approval.
2. Separate utilities for the apartment cannot be established.
3. The apartment shall be deemed an “affordable” housing unit and shall be subject to the requirements of Section 8-30g (k) of the CT General Statutes.

4. A binding deed restriction to show conformance with CGS-8-30g shall be recorded in the Trumbull Land Records; said restrictions shall be for a minimum period of ten (10) years from the date of original occupancy of the apartment.

5. A certified notice of Special Permit shall be recorded in the Land Records in the name of the record owner. A recording fee, in the amount of \$20.00, shall be remitted to the Planning and Zoning office for this purpose.

Application #08-36 – Town of Trumbull, Merritt Blvd at Corporate Park.

MOTION MADE (Bean), seconded (Scinto) and unanimously carried (Herbst, Bean, Chory, Fox, Scinto) to approve Application #08-36 as submitted.

Application #08-37 – The Briad Group, 25 & 45 Commerce Drive.

MOTION MADE (Chory), seconded (Fox) and unanimously carried (Herbst, Bean, Chory, Fox, Scinto), to approve Application #08-37 subject to the following conditions.

1. Lighting shall not be higher than 27'.
2. Lighting shall not create glare. Lighting to be recessed and focused downward.
3. Illumination shall be an average of one-half foot-candle per sq. ft.
4. Pedestrian areas shall be lighted by light bollards or other low level lighting standards.
5. All loading areas and rear entries shall be illuminated to level of parking areas.

Application #08-38 – Zoning Amendment

MOTION MADE (Fox), seconded (Bean) and unanimously carried (Herbst, Bean, Chory, Fox, Scinto), to approve Application #08-38 as submitted.

Prior to adjournment Commissioner Fox suggested that language be inserted into the regulations addressing pre-fab garages and adult type stores.

The Administrator informed that there is a conflict in the regulations relating to non-conforming activities. He asked for clarification as to the Commission's intent when dealing with proposed construction that will not increase the existing non-conformity. The consensus of agreement was that activities that do not conform to current set-backs requirements must obtain a variance.

There being no further business to discuss a motion was made by Commissioner Bean and seconded by Commissioner Fox to adjourn. The October 15, 2008 meeting of the Planning and Zoning Commission adjourned at 10:00 p.m. with unanimous consent.

Respectfully submitted,

Helen Granskog
Clerk of the Commission

